

EXAMINER'S AMENDMENT

1. Authorization for this examiner's amendment was given in a telephone interview with Ira Schultz (reg. # 28,666) on 2/2/2010.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. In claim 2, line 2 before the word "Bluegum" the phrase -- such as -- has been deleted.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:

A review of Applicant's arguments in the Papers filed 2/1/2010 and 11/23/2009 and a review of the instant claims, which encompass the examiner's amendments as discussed with and accepted by Applicant's attorney, Mr. Ira Schultz (reg. # 28,666) on 2/2/2010, in a phone interview on 2/2/2010 has convinced the examiner that the claims are allowable over the applied prior art of record.

5. Regarding independent claim 1 and the dependent claims, the prior art fails to teach or suggest a hard wood strand product including substantially aligned strands of one or more eucalypts bonded together with a binder including a polymeric diisocyanate resin and a wax, the product having a modulus of elasticity greater than 14,000 N/mm² and a swell of less than 2% in a standard 24 hour moisture swell test.

Art Unit: 1794

6. The closest prior art of Suzuki et al. (US 6,129,871) teaches a hard wood strand product including aligned strands and mentions eucalyptus as a material used for lumber, however, does not teach a hard wood strand product of one or more eucalypts bonded together with a binder including a polymeric diisocyanate resin and a wax, the product having a modulus of elasticity greater than 14,000 N/mm² and a swell less than 2% in a standard 24 hour moisture swell test.

7. The secondary references of record do not teach or suggest the combined limitations not taught by Suzuki et al. (US 6,129,871).

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571)272-0496. The examiner can normally be reached on Monday-Thursday, 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brent T. O'Hern/
Examiner, Art Unit 1794
February 2, 2010